

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:19-cv-00004

Andrew Hill,

Plaintiff,

v.

Maxey Cerliano,

Defendant.

Before BARKER, *District Judge*

ORDER

Hill filed this lawsuit on January 2, 2019. Doc. 1. Pursuant to 28 U.S.C. § 636(b)(1) and (3), the case was referred to United States Magistrate Judge K. Nicole Mitchell. Doc. 3. On July 16, 2019, Judge Mitchell issued a report and recommendation that the case be dismissed without prejudice for failure to prosecute. Doc. 6. This recommendation was based on Hill's failure to notify the court of his current mailing address or whereabouts. *Id.* On the day Judge Mitchell issued her report and recommendation, a copy was mailed to Hill's last-known address. On September 12, 2019, the report and recommendation was mailed to Hill again. Since that time, Hill has neither objected to the report and recommendation nor filed anything else with the court in this matter.

Once it is served with a copy of a magistrate judge's report and recommendation, a party has 14 days to file any objections. Fed. R. Civ. P. 72(b)(2). When no party objects to the report and recommendation, the district court "need only satisfy itself that there is no clear error on the face of the record." *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996) (en banc) (quoting Fed. R. Civ. P. 72(b) advisory committee's note (1983)), *superseded by statute on other grounds*, 28 U.S.C. § 636(b)(1) (extending time to object from 10 to 14

days)). As there is no clear error in the magistrate judge's report and recommendation, the court **adopts** it.

Therefore, this action is **dismissed without prejudice** for failure to prosecute. Any pending motions are **denied as moot**. The clerk of the court is **directed** to close this case.

So ordered by the court on December 6, 2019.



J. CAMPBELL BARKER
United States District Judge